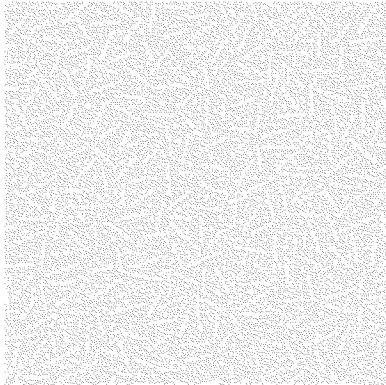


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From: Schmittiel, Paula
Sent: Wed 4/29/2015 4:13:57 PM
Subject: ARSG Meeting



All – Cynthia, Liz, Dan and I had a very full day at the ARSG meetings – there was both an afternoon and an evening session. Dan is very hoarse from talking about the BERA in both the afternoon and evening but he did a great job. And I think the rest of us are very sore from all the sitting and listening. Aside from the presentation of the BERA at the meeting there were a number of other topics on the agenda that led to some interesting discussions and some questions from those in attendance. Ernie Kuhlman, Chairman of San Juan County Commission attended the entire meeting both afternoon and evening. The other two county commissioners attended the evening session along with the Mayor and a couple of town council. Will Tookey also attended the evening session.

I will attempt to summarize the discussion of the other topics from the meeting here but will send a separate summary of the BERA discussion once Liz, Cynthia and I have compiled our notes on all the Qs raised on the BERA.

A couple of announcements about upcoming events included the date for the next ARSG meeting – Wednesday, May 27th and the possibility of a mine site tour at the end of June in which elected official may attend. There were some brief updates on the following topics.

1. ARSG has received funding from the State for the remediation of the Bullion King mine site in a tributary of Upper Mineral Creek. They have been working with DRMS (Dept. of Reclamation, Mining and Safety) and a contract has been awarded to a company that has done quite a bit of high altitude mine reclamation work around the state. There were high opinions of this company whose name I don't recall.

2. Then there was a brief update of the Red & Bonita. Since Steve Way wasn't present at the meeting the information was quite limited. Some of the ARSG members were frustrated that the EPA staff present couldn't answer all of the questions altho' we assured them that Steve was planning on attending the May ARSG meeting. Questions or concerns raised -

- [REDACTED] ARSG expects to be involved and to review the plans/design of the Red & Bonita bulkhead and were concerned that if work was beginning in July that they wouldn't have much opportunity for input.

- [REDACTED] Ernie Kuhlman, Chairman of San Juan County Commission said the county requires a Land Use permit and proper road repair. I did indicate that of course EPA would leave the roads in good condition after the work was completed but I did not respond to the statement about the land use permits since I did not know how that was being handled.

- [REDACTED] ARSG believes that they have been promised a set of maps showing all of the faults in the Red & Bonita that were found during the investigations.

3. Ernie Kuhlman and others raised questions about why ARSG and EPA were duplicating efforts with the sampling – especially in the Animas watershed above Silverton – they believe it's a duplication of the UAA. Dan answered that EPA must collect our data in a manner that meets our QA requirements and that's not to say that ARSG's data is worthless.

A second totally different discussion ensued with Bill Simon and others who were asking about what our objectives were for sampling above Silverton. This conversation led to a discussion about nature and extent and loading evaluation etc. But it also got into a discussion of what type of fishery do folks want above the town. This is a very important point and it appeared that some, Butler and Simon in particular, were supportive of collecting information to do a cost benefit of what it would take to get a higher quality fishery than brook trout upstream. This appears to be progress on some members of ARSG's part to be discussing the type of fishery for the Animas River above Silverton. Additionally, TU put themselves in an untenable position (initially) of publically stating that don't want expansion of native cutthroat fishery above town. When called on it they backed off the position. Again, this was progress.

4. The next "brief" update was by Ty Churchwell (sp?) from Trout Unlimited (TU) who is working with Senator Bennett's office and Congressman Tipton's office on a new proposal for Good Samaritan legislation. TU, Peter Butler, Steve Fearn and Larry Perino met with Bennett and Tipton and their staff to discuss the legislation. Butler implied that they were representing ARSG at this meeting and that the purpose was to ensure that this legislation met the needs of ARSG and TU.

Basically, the approach is to make the San Juan Mountains a "pilot project" for Good Sam legislation rather than trying to have congress pass legislation that would affect the entire country. TU has developed a "campaign" strategy to generate as much grass roots support as possible. Their goal is to have the support of all 10 counties that encompass the San Juan Mtns

in SW Colorado, the support of the watershed groups, the support of the State agencies – DRMS and the governor’s office. The idea is to create a new category of discharge permit holders under the CWA to give parties that undertake actions to address point source discharges liability protection. TU indicated that Senator Bennett and Congressman Tipton intend to propose legislation in congress in June/July.

The rest of the afternoon from about 3:00 to 4:30 was taken up with Dan’s presentation of the BERA in which he very patiently answered numerous questions from the audience as he went thru his presentation. We broke around 4:30 and went and had dinner at the only restaurant in town that was open – almost every at the ARSG meeting was at the restaurant for dinner!

The evening session began ~ 6:30 pm and lasted until almost 9:00 pm. Two topics from the afternoon session were deferred until the evening session before Dan gave a shorter simpler version of his BERA presentation.

5. Peter Butler gave an updated analysis of the water quality data at the stream gaging stations – A-68 (above the confluence with Cement Creek), CC-48 (mouth of Cement Creek), A-72 (just below town on the AR), M-34 (mouth of Mineral Creek) and BB (Baker’s Bridge below the canyon on the AR). He summarized the data into 4 periods – 1991 – mid-1996; 1998-2001; 2007-2011 and 2012-2014. He only showed a couple of metals – Zinc, Manganese and Aluminum. His data only focused on water quality – nothing about sediments. One of the interesting points of his data was that there is ~23% less total monthly average flow in the Animas River when comparing the period 2007-2011 to the period 2012-2014. This seems to point to climate change with less snowfall and that the initiation of snow melt-runoff has shifted to March-April which is earlier than has been considered “normal”.

6. Larry Perino then gave a “summary” of SGC’s remedial investigation plan. He started with the short summaries that SGC handed out at our meeting with SGC on April 9th and then he continued with a more detailed overview of how the tailings ponds were constructed – unlined and a little bit of detail about operations and reclamation. Then he proceeded to go into much more detail about their investigation plans including geoprobes, installation of GW monitoring wells, etc. SGC is planning on beginning water quality sampling on the Animas River next week. Throughout Larry’s presentation, Ernie Kuhlman peppered him with questions and clarifications – like what is a tailings pond and some other rather basic questions. Ernie then asked whether EPA would accept SGC’s data – Liz clarified that we had sent SGC the locations and explained that sampling on the Animas River along the stretch adjacent to the Mayflower Tailings was already part of EPA’s sampling program for 2015. Liz also stated that we were open to SGC’s suggestions for additional sampling locations along that stretch of the river. I stated that EPA required QAPP (didn’t mention a QMP is also required) that would need to be approved by EPA. Todd Hennis also asked SGC if they were planning on doing assays on the mill tailings for gold and silver when they did their sampling this spring.

SGC appears to be proceeding ahead with some of this work without an AOC or agreed upon SOW. We are meeting with SGC tomorrow AM at BLM offices to discuss their concerns about safety in providing EPA access to some of their mine claims for sampling in the headwaters of the AR. Hopefully that will give us a chance to discuss their plans for sampling and the timing of when they will be submitting their workplans for review and approval.

The issue of soil sampling in town never came up either in the meetings or in side conversations afterward. We did receive the signed access agreement from the City for access to the two water quality stations on City property.

That about wraps it up except that I will send a separate summary of the discussion/questions on the BERA.

We have several meetings scheduled for Wednesday in Durango – USFS and the RR presentation among others. We should be back in the office on Thursday between 12:30 and 1:00 pm.

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